

MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – JULY 2, 2008 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD

1. CALL TO ORDER.

Mayor Stearley called the meeting to order at 6:30P.M.

All Councilors were present with the exception of Councilor Simmons

Also present was Mr. Marcus Rael, Town Attorney, Ms. Karen Mahalick, Manager, Planning and Zoning, Ms. Estefanie Muller, Acting Administrator Clerk-Treasurer, and Ms. Tracy Sweat, Interim Office Assistant.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

MOTION: Councilor Felton made a motion to approve the Agenda as presented.
Councilor Hill seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

At this time Councilor Simmons was present.

4. MATTERS FROM THE MAYOR.

A. Town of Edgewood/State Police Agreement for Continued Clerical Assistance.
Mayor Stearley updated the Council on the agreement with State Police stating that Ms. Anaya would have enough time to assist both departments.

B. Town of Edgewood Business Directory.
Mayor Stearley presented an example of the Towns Business Directory to the Council.

5. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

C. Discuss joining Local Governments for Sustainability (ICLEI) (Councilor Hill)
Councilor Hill reviewed his handout. He stated that he felt it would be a good example to other small communities and that the cost was minimal at \$600.00 annually. This will reviewed as a budget item.

Councilor Abrams stated that he felt this would be a beneficial membership for the Town.

D. Resolution No. 2008-43 Municipal Electrical Generation. (Councilor Abrams)
(ROLL CALL VOTE)

Councilor Abrams reviewed his Resolution. He stated that his hope was that this Resolution would help to make the Town a model as a smaller community.

Councilor Abrams read the Resolution for the publics benefit.

Councilor Simmons stated that there are still a lot of questions to be looked into and she requested additional data.

Councilor Hill requested the inclusion of the word incentivisation as a means to clarify the intent of the Resolution.

Councilor Felton stated that a committee be established to address some of the questions and issues.

Mr. Rael asked that Council put in the words “consider enacting”, and “consider instructing”.

Councilor Hill suggested adding the word “consider” instead of “formulating”.

MOTION: Councilor Simmons made a motion to adopt Resolution No. 2008-43 with noted changes. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Councilor Hill stated that he would be making his Energy presentation at the first Council Meeting in August.

6. CLOSED SESSION.

As per motion and roll call vote, pursuant to NMSA 1978, 10-15-(H)(2) and 10-15-(H)(7) the following will be discussed in Closed Session.

- Limited Personnel Matters.
- Pending Litigation.

MOTION: Councilor Hill made a motion to go into Closed Session. Councilor Felton seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

MOTION: Councilor Hill made a motion to come into open session. Councilor Abrams seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

MOTION: Councilor Hill made a motion to confirm that no action was taken and discussed only items stated on the Agenda. Councilor Felton seconded the motion

VOTE: Councilor Abrams confirmed. Councilor Felton confirmed. Mayor Stearley confirmed. Councilor Hill confirmed. Councilor Simmons answered affirmative.

7. MATTERS FROM THE ATTORNEY.

E. Report on Anti-Donation Issues.

Mr. Rael read the Anti-Donation Clause to Council and the public.

Mr. Rael stated that a detailed accounting or evidence must be produced showing a benefit to the Town and economic development.

Mr. Rael and Council entered into a discussion of definitions and restrictions in the Anti-Donation Clause.

Mayor Stearley discussed the Los Alamos events stating that this is an example of a means for the Town to produce an event.

Mayor Stearley discussed promotional funds requests that he has received. Mayor Stearley updated Council on the status of the \$15,000.00 budgeted for promotional funds.

Mr. Rael stated that in order to meet the requirements of the Anti-donation Clause, the Music Festival must be a town event or joint promotion and it must generate some sort of valuable consideration.

Mr. Rael stated that any proceeds would revert back to the Town and could be used for taxes, providing police and sanitation services, and acquisition of real property for tourist related events.

Councilor Abrams discussed his understanding of the Clause as, requiring the Town will receive some sort of benefit from its promotion of events.

Councilor Abrams stated that it would be in the Towns best interest to find the best promoter and venue.

Councilor Felton and Mr. Rael discussed the specific accounting requirements.

At this time there was a dialogue between the audience and the Town Attorney regarding the Anti-Donation Clause. (Comments and questions from the audience were difficult to hear and cannot be transcribed).

Mr. Rael stated that, the level of accounting needs to be improved.

Councilor Hill stated that he felt this should be a Town Event and the proceeds accrue to the Town and the Town approaches this as a business investment.

Ms. Myra Pancrazio discussed co-op funds from the audience.

Councilor Felton discussed the idea of a special session to discuss budgeting for promoting events.

Councilor Simmons stated that she feels the Council has done a disservice to the Town by pulling the rug out from under these events.

Mayor Stearley stated that there are many items that need funding.

8. MATTERS FROM THE MUNICIPAL JUDGE.

F. Judge White will present his report for the month of June, 2008.

Judge White presented his report for the month of June, 2008 to the Council.

Judge White discussed the required Annual Judges and Clerks Training that Ms. Kathy Smith and himself attended.

Judge White stated that he had met with the Chief about the training and is happy to report that the Chief was already up to speed.

9. PUBLIC SAFETY.

G. Introduction of Town of Edgewood Police Officers.

Chief Welch introduced Officer Hellen Gonzalez and Officer Mike Brittan.

H. Update by Chief Welch.

Chief Welch stated that there is still one position available on the police force and at this time he has two applicants that he is in the process of interviewing.

Chief Welch discussed some of the minor issues with the communications system.

Chief Welch reported on the types of calls and arrests that the officers have made in just the two weeks that they have been operational.

Chief Welch stated that the officers have been issuing warnings for speeders but in the

near future these will be citations.

Chief Welch stated that the Community support has been tremendous.

Mayor Stearley asked if there were sufficient speed limit signs around the community.

Chief Welch stated that he would let Ms. Mahalick know of any deficiencies.

Councilor Hill discussed the electronic radar board and its use in counting traffic.

10. COMMUNITY DEVELOPMENT REPORT.

I. List of Roads for Dust Suppression. (Handout).

Ms. Mahalick discussed the list of roads scheduled for dust suppressant.

Councilor Hill asked if the calculation for suppression should include traffic count and the number of residences affected.

Ms. Mahalick stated the school bus routes are maintained more heavily.

Ms. Mahalick stated that this program was still in its infancy and the data from the traffic counts will be used to determine the greater need.

Councilor Hill requested that the number impacted be considered as well as the number of vehicles.

Council requested that W. Hill Ranch, Square H, as well as Horton be added for consideration.

J. Resolution No. 2008-39 Findings of Fact and Conclusions – Pueblo Artesanos.

(ROLL CALL VOTE)

Councilor Hill re-cused himself from this item.

Ms. Mahalick reviewed the Resolution.

MOTION: Councilor Felton made a motion to accept Resolution 2008-39. Councilor Simmons seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

K. Traffic Counts on Town Streets. (Hand-Out)

Ms. Mahalick reported on the traffic counts and the technical difficulties that had been experienced.

L. Town of Edgewood/Santa Fe County JPA-Expansion on Waste Water Collection System.

Ms. Mahalick reviewed the JPA stating that the agreement is not valid at this time.

She stated that she would request that Santa Fe County modify what they are expecting and the Town is producing.

Mayor Stearley discussed using some of the effluent water at Section 16.

Mayor Stearley used the map to illustrate his proposal for transporting the water to Section 16.

M. American Disabilities Act. (ADA) Inspection of Community Library.

Mr. Wayne Schober discussed the ADA inspection findings.

Ms. Schober stated that there were 40 major items that need to be addressed.

Mayor Stearley requested that staff look at the contract to see if modifications can be made to the entry of the building.

N. Update on the Declared Nuisance and Ordered Abatement.

Mr. Schober updated Council on the status of nuisance properties.

He discussed the small businesses that have been leaving their lights on overnight, which is a violation of the Night Sky Ordinance.

Mr. Schober stated that he would be contacting the businesses and asking them to place their lights on timers.

Mr. Schober discussed the signs he had picked up around Town that were improperly placed.

Ms. Mahalick stated that when NMDOT picks up signs they are not available for return.

Councilor Hill requested that a photo be taken of the sign prior to removal for proof of violation.

A comment from the audience requested that the Town call the number on the signs requesting they be moved.

Council listened to comments from the audience.

Ms. Mahalick reviewed the Ordinance for Council and the public.

**11. ESTANCIA VALLEY ECONOMIC DEVELOPMENT ASSOCIATION
(E.V.E.D.A.)**

O. Update by Ms. Myra Pancrazio.

Mr. David Tixier introduced himself and congratulated the Town on the new Police Force.

Ms. Myra Pancrazio discussed a report that she handed out.

12. SIGN ORDINANCES.

P. Power Point Presentation on Off-Site Signage and Kiosk Signage.

Mayor Stearley gave a Power Point Presentation on Off-Site Signage and Kiosk Signage. Mayor Stearley presented the definition of Kiosk signage. He asked Council to direct staff to add Kiosk Signs and Multi Tenant Signs to the Ordinance and then bring it back to Council.

Mayor Stearley discussed the Multi-Tenant Freestanding Signs.

Mayor Stearley stated that staff was not able to produce a sign with 17" letters.

Mayor Stearley stated that the problem with the larger letters is that there is limited room for them. He discussed the different sizes and fonts for signage.

Mayor Stearley requested that a variance procedure be defined by Town staff and also by the Sign Committee.

Council heard comments from the audience regarding sign and font size.

Council requested that staff would entertain proposals for Kiosk Signs that must contain a plan for its maintenance.

Mayor Stearley requested Ms. Mahalick provide two sets of words for the variance that the Sign Committee may consider.

Q. Resolution No. 2008-42 – Sign Ordinance Moratorium.

(ROLL CALL VOTE)

MOTION: Councilor Hill made a motion to approve Resolution No. 2008-42.
Councilor Felton seconded the motion.

Ms. Mahalick requested that the motion be amended to exempt temporary signs from the moratorium on behalf of Mr. Schober.

MOTION: Councilor Hill amended his motion to exempt temporary signs. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

13. LEASE AGREEMENTS AT 1916 OLD HIGHWAY 6.

R. Chamber of Commerce.

Ms. Muller reported on the Chamber of Commerce agreement stating that it has been given to the Attorney for review.

Ms. Muller discussed the cost of postage that the Chamber requests stating that this amount would be lower as the Chamber is going to adjust the outgoing packet.

Mayor Stearley requested that postage be removed from the agreement and be handled administratively through the requests for promotional funds.

Councilor Felton requested that some changes be made to the wording of the agreement.

S. Santa Fe County Satellite Office.

Ms. Muller discussed the Santa Fe County Satellite Office stating that the expenses have gone up by \$173.00.

Mayor Stearley requested that Ms. Muller add that amount to the previous agreement to cover the Towns costs and submit it to Santa Fe County.

14. BUDGET REVIEW and DISCUSSION.

T. Hiring of 2 Additional Road Department Employees.

U. Hiring of a Part-Time Maintenance & Grounds Person.

V. Library Staff and Librarian.

W. Purchase of ATV 4X4.

Mayor Stearley discussed the budget review requesting that Council consider some additions to the staff and equipment.

Mayor Stearley discussed the idea of employing a Librarian and Library staff.

Council Felton discussed expanding the hours of operation for the Library.

Mayor Stearley discussed the purchase of an ATV for the Town.

15. REPORT FROM THE ACTING ADMINISTRATOR CLERK-TREASURER.

X. Selection of Interview Committee for the Office Assistant Position.

Ms. Muller reported that the Town had received 77 applications for the position and was asking for Councils input for the assignment of an interview committee.

Ms. Muller suggested the committee consist of Mayor Stearley, Ms. Mahalick, Ms. Muller and any Councilors that would be interested.

Councilor Simmons stated that she might be able to find time.

Mayor Stearley stated that the Town would inform Councilor Simmons about the interviews and she was welcome to attend if possible, but it would not be required.

Y. Status Report on Town Employees Annual Evaluation.

Ms. Muller reported on the status of the Employee Evaluations stating that they were almost complete.

Councilor Felton commended the staff stating that evaluations are an important part of management.

16. PUBLIC COMMENTS. (Limit to 2 minutes per person).

Note: If you plan to testify under Public Hearings, please do not sign –up for the same topic.

Mr. Chuck Ring stated that he supported the programs introduced by Councilors Hill and Abrams.

Mr. Ring stated that he hates to see these things drag on for months.

Mr. Ring stated that he did support the additional employees for the Road Crew as long as the second road grader was put to use and the Road Department not be used to install the cat house.

Mr. Ring requested that the GRT be available on the website.

Mr. Harlan Lawson stated that he wanted to complain again about the median on Plaza Loop stating that they interfere with Emergency Vehicles. He stated he would like to see those medians removed for safety reasons. Mayor Stearley asked Council if they would like staff to get some prices on the removal of the medians.

Ms. Mahalick discussed the medians in front of Wal-Mart.

Mr. Ralph Hill discussed the Wind Energy issue of aesthetics and cost.

Councilor Hill suggested moving Public Comments to an earlier position on the Agenda.

17. APPROVAL OF PREVIOUS MINUTES.

Z. Regular Council Meeting Minutes of June 18, 2008.

MOTION: Councilor Hill made a motion to approve the Regular Council Meeting Minutes of June 18, 2008. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

18. ACKNOWLEDGE RECEIPT OF THE PLANNING & ZONING COMMISSION MEETING MINUTES.

AA. Planning & Zoning Commission Meeting Minutes of June 16, 2008.

MOTION: Councilor Hill made a motion to acknowledge receipt of the Planning & Zoning Meeting Minutes of June 16, 2008. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

19. PUBLIC HEARINGS.

Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:

Initials

BB. Amend the Subdivision Ordinance for Procedures on Naming Roads.

(ROLL CALL VOTE)

Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:

CC. Ordinance No. 2006-06 Creating the Position of Town Administrator Clerk-Treasurer.

(ROLL CALL VOTE)

MOTION: Councilor Hill made a motion to table the Public Hearing items until the next Regular Council meeting on August 6, 2008. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

20. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.

DD. Regular Council Meeting – July 16, 2008 @ 6:30 P.M.

EE. Regular Council Meeting – August 6, 2008 @ 6:30 P.M.

FF. Regular Council Meeting – August 20, 2008 @ 6:30 P.M.

21. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the meeting. Councilor Hill seconded the motion.

VOTE: All Councilors voted aye.

Mayor Stearley adjourned the meeting at 10:55P.M.

APPROVED AND ADOPTED this 16th day of JULY, 2008.

Honorable Robert Stearley, Mayor

ATTEST:

Estefanie B. Muller, Acting Administrator Clerk-Treasurer